
By: **Garrett County Delegation**

Introduced and read first time: February 4, 2004

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2004

CHAPTER _____

1 AN ACT concerning

2 **Garrett County - Public Local Laws - Obsolete Provisions - Repeal**

3 FOR the purpose of repealing from the Public Local Laws of Garrett County certain
4 obsolete provisions of law pertaining to appliance installers, billiard rooms and
5 bowling alleys, crimes and punishments, firearms, manufacturers and miners,
6 pensions for teachers, the poor or insane, the sheriff, thistles, and wages; and
7 generally relating to the repeal of obsolete provisions in the Public Local Laws of
8 Garrett County.

9 BY repealing

10 The Public Local Laws of Garrett County
11 Section 6-1 and the chapter "Chapter 6 Appliance Installers"; 11-1 through
12 11-5, inclusive, and the chapter "Chapter 11 Billiard Rooms and Bowling
13 Alleys; 26-1 and 26-2 and the chapter "Chapter 26 Crimes and
14 Punishments"; 38-1 and 38-2 and the chapter "Chapter 38 Firearms";
15 66-1 through 66-8 A. and B., inclusive; 66-10 through 66-14, inclusive,
16 and the chapter "Chapter 66 Manufacturers and Miners"; 81-1 and the
17 chapter "Chapter 81 Pensions"; 83-1 and 83-2 and the chapter "Chapter
18 83 Poor or Insane"; 93-1 through 93-3, inclusive, and the chapter "Chapter
19 93 Sheriff"; 107-1 through 107-3, inclusive, and the chapter "Chapter 107
20 Thistles"; and 117-1 through 117-4, inclusive, and the chapter "Chapter
21 117 Wages"
22 Article 12 - Public Local Laws of Maryland
23 (1985 Edition and October 2001 Supplement, as amended)

24 BY repealing

25 The Public Local Laws of Garrett County

1 Section 66-8 C. and 66-9
 2 Article 12 - Public Local Laws of Maryland
 3 (1985 Edition and October 2001 Supplement, as amended)
 4 (As enacted by Chapter 220 of the Acts of the General Assembly of 2001)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article 12 - Garrett County**

8 [Chapter 6
 9 Appliance Installers]

10 [6-1.

11 The Board of County Commissioners of Garrett County may:

12 (1) License appliance installers; and

13 (2) Adopt rules and regulations to:

14 (I) Authorize licensed appliance installers to perform the plumbing
 15 work incidental to the installation of appliances;

16 (II) Provide license fees for appliance installers;

17 (III) Require an appliance installer to post a performance bond; and

18 (IV) Define "appliance" and "work incidental to the installation of
 19 appliances."]

20 [Chapter 11
 21 Billiard Rooms and Bowling Alleys]

22 [11-1.

23 Every room or place in Garrett County used or occupied for the exercise or
 24 engaging in the games of pool, billiards or bowling to which the public has access and
 25 at which charges are made for the privilege of engaging therein shall be conducted at
 26 all times in an orderly, decent manner, and it shall be unlawful for the proprietor or
 27 person in charge of the same to permit any disorderly conduct, swearing or use of
 28 indecent or improper language therein by any person or persons on, in or about the
 29 premises where such games are conducted.]

30 [11-2.

31 All places as aforesaid used or occupied for the purpose of engaging in the games
 32 of pool, billiards or bowling to which the public shall have access and at which charges
 33 are made for the privilege of engaging therein shall be kept closed as a place of

1 business from the hours of 11:00 p.m. to 6:00 a.m. of each night in the week, except
2 Saturday, and closed on Sundays, and it shall be unlawful for any place or places
3 aforesaid to be kept open during the hours above mentioned.]

4 [11-3.

5 It shall be unlawful for the proprietor or person in charge of any place or places
6 as aforesaid, used or occupied for the purpose of engaging in the games of pool,
7 billiards or bowling to which the public shall have access and at which charges are
8 made for the privilege of engaging therein, to permit, suffer or allow any person or
9 persons under the age of 16 years to loiter in, on or about the premises where such
10 games as above mentioned are conducted or engage in or participate in any manner in
11 the conduct of any of such games or witness the participation therein of others who
12 may lawfully be on said premises.]

13 [11-4.

14 Any person or persons, firm or corporation, whether the proprietor or the person
15 in charge of any pool or billiard room or bowling alley in any place in Garrett County,
16 who shall violate any of the provisions of §§ 11-1 through 11-3 of this chapter shall be
17 deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a
18 fine of not less than five dollars (\$5.) nor more than twenty dollars (\$20.) one-half
19 (1/2) of any fine so imposed and collected to be paid to the informer thereof.]

20 [11-5.

21 It shall not be lawful for any person keeping a drinking saloon, pool or billiard
22 table or tables in Garrett County to allow any minor to frequent or lounge about his
23 place of business or play pool or billiards therein except upon the written permission
24 of the parents or guardians of such minor. Any person permitting a minor to so
25 frequent or lounge about his place of business or to play pool or billiards therein
26 except upon such written permission of the parents or guardians of such minor shall
27 be deemed guilty of a misdemeanor and, upon conviction thereof before a District
28 Court, shall be liable to a fine of not less than ten dollars (\$10.) nor more than fifty
29 dollars (\$50.) for each and every offense, one-half (1/2) of said fine to go to the
30 informer and the other one-half (1/2) to be paid to the School Commissioner of said
31 county for the benefit of the public schools therein, and in default of the payment of
32 such fine and costs, the offender shall be committed to the county jail for 30 days or
33 until such fine and costs are paid, whichever shall first occur.]

34
35

[Chapter 26
Crimes and Punishments]

36 [26-1.

37 A. Labor on public roads, buildings or grounds permitted. In addition to any
38 sentence of confinement in the county jail of Garrett County which may be
39 imposed in cases of conviction of assault, drunkenness, disorderly conduct,
40 disturbing the public peace, vagrancy, petit larceny, or any misdemeanor

1 where the punishment prescribed by law shall not exceed three (3) years'
2 imprisonment in the penitentiary or house of correction by the Circuit Court
3 for Garrett County or any District Court for Garrett County having criminal
4 jurisdiction, said Court or District Court may, in the discretion of said Court
5 or said District Court, also in said sentence direct that any prisoner over
6 sixteen (16) years of age who may be convicted of any of the offenses
7 enumerated above shall be subject to perform hard labor for and during the
8 period of his imprisonment on the public roads, buildings and grounds of
9 Garrett County or on the public streets of any incorporated town in said
10 county, provided that during the employment of such convict on the public
11 streets of any incorporated town, the town authorities so employing such
12 convict shall be charged with the expenses which may attend such
13 employment.

14 B. Supervision required; type of labor performed. The hard labor provided in
15 Subsection A of this section shall be performed, if within the corporate
16 limits of any incorporated town, under the supervision and direction of the
17 Town Commissioners and Bailiff of such town, and if on the public roads of
18 Garrett County, then under the supervision and direction of the County
19 Commissioners or the Road Supervisor of any district who may be
20 authorized by the County Commissioners to work the same. The Sheriff of
21 Garrett County, upon the demand of any bailiff, supervisor or other persons
22 duly authorized to make such demand, is hereby authorized and required to
23 deliver such prisoner to the party so making the demand and entitled to
24 receive the same whenever and at such times as he may be so legally
25 required. The labor to be performed by such convict may include every
26 service necessary for the purpose of draining, grading, paving or repairing
27 such public streets or other highways of Garrett County, within or without
28 the limits of any incorporated town therein.

29 C. Responsibilities of supervising officer; penalty for refusal to work;
30 exception. The officer or other person having such prisoner in charge shall
31 have power and authority to compel such labor and shall be responsible for
32 the safekeeping and return to prison of such convict to the custody of the
33 Sheriff at the end of each day's labor, which day's labor shall be within the
34 discretion of the officer or other person so supervising at the time, but shall
35 not exceed ten (10) hours' work or labor for any day he may be so employed.
36 Any prisoner so convicted and sentenced who shall refuse to perform the
37 labor required of him shall incur the penalty of two (2) days' additional
38 imprisonment for every day he may so refuse, and this provision shall be
39 included in the sentence of the Court or District Court by whom the same
40 may be rendered, but no prisoner shall be compelled to perform such labor
41 whose health is not in a condition to allow the same, and the certificate of
42 the physician to the jail or other physician in said county shall be sufficient
43 to excuse such labor.

44 D. Penalty for supervising officer permitting an escape. If any officer or other
45 person having such prisoner in charge for the performance of such work or
46 labor, through connivance or by his willful neglect, permits the escape of any

1 such prisoner, he shall be guilty of a misdemeanor and, upon indictment
2 and conviction of such offense in the Circuit Court for Garrett County, shall
3 be fined not less than twenty dollars (\$20.) nor more than fifty dollars (\$50.)
4 or shall be confined in the county jail of the county and be subject to the
5 same penalty of hard labor, or both, in the discretion of the Court.]

6 [26-2.

7 A. Labor on public roads, buildings or grounds permitted. In addition to any
8 sentence of confinement in the county jail of Garrett County which may be
9 imposed for failure to pay any fine or fines by the Circuit Court for Garrett
10 County or any District Court for Garrett County having criminal
11 jurisdiction, said Court or District Court shall also in said sentence direct
12 that any prisoner over sixteen (16) years of age who may be so sentenced
13 shall be subject to perform labor for and during the period of his
14 imprisonment on the public roads, buildings and grounds of Garrett County
15 or on the public streets of any incorporated town in said county, provided
16 that during the employment of such prisoner on the public streets of any
17 incorporated town, the town authorities of such town so employing such
18 prisoner shall be charged with the expense which may attend such
19 employment, and provided further that this section shall not apply to
20 female prisoners.

21 B. Supervision required; type of labor performed. The labor provided for in
22 Subsection A of this section shall be performed, if within the corporate
23 limits of any incorporated town, under the supervision and direction of the
24 Town Commissioners and Bailiff of such town, and if on the public roads of
25 Garrett County, then under the supervision and direction of the County
26 Commissioners or the Road Supervisor of any district who may be
27 authorized by the County Commissioners to work the same. The Sheriff of
28 Garrett County, upon the demand of any bailiff, supervisor or other persons
29 duly authorized to make such demand, is hereby authorized and required to
30 deliver such prisoner to the party so making the demand and entitled to
31 receive the same whenever and at such times as he may be so legally
32 required. The labor to be performed by such prisoner may include every
33 service necessary for the purpose of draining, grading, paving or repairing
34 such public streets or other highways of Garrett County, within or without
35 the limits of any incorporated town therein.

36 C. Responsibilities of supervising officer; penalty for refusal to work;
37 exception. The officer or other person having such prisoner in charge shall
38 have power and authority to compel such labor and shall be responsible for
39 the safekeeping and return to prison of such prisoner to the custody of the
40 Sheriff at the end of each day's labor, which day's labor shall be within the
41 discretion of the officer or other person so supervising at the time, but shall
42 not exceed ten (10) hours' work or labor for any day he may be so employed.
43 Any prisoner so sentenced who shall refuse to perform the labor required of
44 him shall incur the penalty of two (2) days' additional imprisonment for
45 every day he may so refuse, and this provision shall be included in the

1 sentence of the Court or District Court by whom the same may be rendered,
2 but no prisoner shall be compelled to perform such labor whose health is not
3 in a condition to allow the same, and the certificate of the physician to the
4 jail or other physician in said county shall be sufficient to excuse such labor.

5 D. Penalty for supervising officer permitting an escape. If any officer or other
6 person having such prisoner in charge for the performance of such work or
7 labor, through connivery or by his willful neglect, permits the escape of any
8 such prisoner, he shall be guilty of a misdemeanor and, upon indictment
9 and conviction of such offense in the Circuit Court for Garrett County, shall
10 be fined not less than twenty dollars (\$20.) nor more than fifty dollars (\$50.)
11 or be confined in the county jail of the county and shall be subject to the
12 same penalty of labor, or both, in the discretion of the Court.]

13 [Chapter 38
14 Firearms]

15 [38-1.

16 It shall be unlawful for any person under the age of fifteen (15) years to carry or
17 have in his or her possession any shotgun, rifle, revolver or other firearm of any
18 description within the limits of Garrett County.]

19 [38-2.

20 A. Any person convicted of violating this chapter before any court of competent
21 jurisdiction shall be fined not less than five dollars (\$5.) nor more than
22 twenty dollars (\$20.) or be imprisoned in the county jail for not less than ten
23 (10) nor more than thirty (30) days for each and every offense.

24 B. All fines imposed and collected for violation of this chapter shall be paid to
25 the County Commissioners of Garrett County, to be used by them in the
26 improvement of the public roads in said county.]

27 [Chapter 66
28 Manufacturers and Miners]

29 [ARTICLE I
30 General Provisions]

31 [66-1.

32 If any individual engaged in mining or manufacturing in said county or any
33 association or body corporate engaged in any business whatever therein shall, for the
34 space of thirty (30) days, be indebted to the person in their employ or to furnishers of
35 any raw material in the aggregate sum of twenty-five dollars (\$25.) and shall neglect
36 or refuse to pay the same for the space of thirty (30) days, the Circuit Court for said
37 county, as a court of equity, or the Judge thereof in vacation shall, upon the petition of
38 the employees or furnishers of raw material or any number of them, appoint a

1 receiver to take charge of the affairs of such individual, association or body corporate
2 with a view to their liquidation and settlement under the authority of said Court.]

3 [66-2.

4 The defendant in said petition shall have a right to answer the same and deny
5 the facts therein stated, and the issue shall be tried by court immediately or as soon
6 as practicable after the filing of such answer, or if either party shall demand a jury
7 trial of the issues raised by said petition and answer, then such issues shall be sent to
8 the Circuit Court for said county, as a court of law, and, if the same shall be then in
9 session, shall stand for trial at that term, and if not in session, then such issues shall
10 stand for trial at the next term, but no demurrer or plea in abatement shall be
11 allowed nor shall the same on any account be postponed. If it shall appear from the
12 finding of the Court or jury upon said issues or any of them that such receiver should
13 not have been appointed, then he shall be discharged, and pending the decision upon
14 such issue, said receiver shall remain in possession of the property of such individual,
15 association or body corporate, but shall not dispose of the same until the
16 determination of such issues, unless the Court, under special circumstances, shall see
17 proper to direct him so to do, in which case the proceeds thereof shall remain in his
18 hands, in lieu of said property, to abide the result of said issues.]

19 [66-3.

20 A. Bond required. The receiver shall give bond in such penalty as the Court
21 shall direct, with a surety to be approved by said Court or the Clerk thereof,
22 and shall be held liable for every default, negligence or malfeasance in office
23 of which he may be guilty.

24 B. Powers and duties; payment of claims. He shall take charge of the personal
25 estate, goods, chattels, property and effects of every description whatever,
26 other than real estate, of such individual, association or corporation and
27 collect and make available the evidences of debt and sell and dispose of,
28 upon such terms as the Court shall direct, the goods and chattels and pay
29 off and discharge the debts owing from such individual, association or
30 corporation to the persons in their employ and the furnishers of raw
31 material or to each a pro rata proportion of his claims. There shall be no
32 priority or preference allowed in the payments of such claims, and no
33 attachment, execution, mortgage, bond, deed, bill of sale or deed of trust or
34 other lien, except mechanics' liens, shall bind or operate as a lien upon said
35 property or debts to the prejudice or disadvantage of the employees or
36 furnishers of raw material as aforesaid, but said claims, all and severally,
37 shall be first fully paid and discharged, or as far as the same can be done,
38 before any attachment, execution, mortgage, bond, deed, bill of sale, deed of
39 trust or other lein, except as hereinbefore specified, shall bind, hold, operate
40 or take effect.]

1 [66-4.

2 Any sheriff or other officer who shall have an execution or attachment against
3 the property of any such individual, association or corporation shall exempt from
4 execution a sufficient amount of property to pay any indebtedness of such individual,
5 association or corporation to employees and furnishers of raw material, and it shall be
6 his duty diligently to inquire whether said individual, association or corporation be
7 indebted as aforesaid. If the employees or furnishers of raw material shall in any way
8 suffer, be prejudiced or injured by refusal to comply with or negligence in executing
9 the requirements hereof, such officer, together with his sureties, shall be held liable
10 for whatever injury or damage shall be done in the premises.]

11 [66-5.

12 A. Ten-hour workday established; overtime. The period of employment of
13 workingmen employed in and about the mines of Allegany and Garrett
14 Counties shall be ten (10) hours per day, said hours to be computed from the
15 time of beginning said day's labor, provided that the time of beginning said
16 day's labor shall be 7:00 a.m.; but nothing herein contained shall in any way
17 preclude any workingman in and about said mines from working a greater
18 number of hours should he so desire and enter into contract with the owners
19 or managers of any of said mines, such additional hours to be computed as
20 overtime and to be paid for.

21 B. Penalty. Any person, body corporate, agent, manager or employer who shall
22 violate any of the provisions of Subsection A of this section shall be deemed
23 guilty of a misdemeanor and, upon conviction thereof, shall be fined not
24 more than fifty dollars (\$50.).]

25 [66-6.

26 It shall be the duty of the Mine Inspector to make, as to the clay or fireclay
27 mines in Allegany or Garrett Counties, the examination and reports required as to
28 coal mines under Section 197 of Article I and Section 151 of Article 12 of this Act and
29 to make recommendations to the State Department of Labor and Industry as to the
30 legislation requisite to protect life and health in such clay mines.]

31 [ARTICLE II
32 Miners Relief Fund]

33 [66-7.

34 As used in this Article, the following terms shall have the meanings indicated:

35 EMPLOYEE -- Includes miners, helpers, laborers, drivers, trappers, roadmen,
36 propmen, repairers, foremen, superintendents and every employee engaged
37 directly in or about the coal and clay mine of an operator.

1 OPERATOR -- Includes every corporation, person, partnership or association
2 engaged in the business of coal mining or clay mining in Allegany and Garrett
3 Counties, Maryland.]

4 [66-8.

5 A. Creation. There is hereby created for Allegany and Garrett Counties,
6 respectively, a fund for the relief and sustenance of employees and their
7 dependents when such said employees have sustained injuries or disability
8 in the discharge of their duty and for the relief and sustenance of the
9 dependents of such employees when death has resulted from such injuries,
10 said fund to be made up of the proceeds of the tax hereinafter levied and the
11 increments from the investments thereof, as well as such donations and
12 legacies as may be made thereto.

13 B. Maintenance of fund; levy. In order to create and maintain said fund, a tax
14 is hereby levied and imposed upon each operator and employee as follows:

15 (1) For each month or fraction of a month that he is employed by any
16 operator, a tax shall be imposed upon each employee as follows:

17 (a) For employees in Allegany County: twenty-seven cents (\$0.27).

18 (b) For employees in Garrett County: thirty-eight cents (\$0.38).

19 (2) For each month or fraction of a month in respect of each employee
20 paying the tax and employed by said operator in Allegany and Garrett Counties, a tax
21 shall be imposed upon each operator as follows:

22 (a) For operators in Allegany County: twenty-seven cents (\$0.27).

23 (b) For operators in Garrett County: thirty-eight cents (\$0.38).

24 C. Collections and payment of tax; penalty for default. Such tax shall be due
25 and payable monthly to the Director of Finance of Allegany County and the
26 Supervisor of Tax Collection of Garrett County, respectively, in which the
27 mine is operated, and payable on or before the 25th day of the month next
28 succeeding the month for which such tax is payable. In order to secure the
29 effectual payments of such tax, each operator is authorized and required to
30 deduct and retain from the wages of each employee employed by him on his
31 payrolls in Allegany County the sum of twenty-seven cents (\$0.27) and in
32 Garrett County the sum of thirty-eight cents (\$0.38) per month or fraction
33 of a month if said employee is employed for less than a month. On or before
34 the 15th day of the month next succeeding the month for which such
35 deduction is made, each operator shall make a report of the number of
36 employees so employed, under oath, to the Director of Finance of Allegany
37 County or the Supervisor of Tax Collection of Garrett County where the
38 particular mine is located, and, on or before the 25th day of said succeeding
39 month, shall pay over unto the Director of Finance of Allegany County or
40 the Supervisor of Tax Collection of Garrett County, as the case may be, the

1 total amount so deducted and retained from the wages of the employees for
2 the preceding month, together with a like amount to be paid by the operator.
3 It shall be the duty of the County Commissioners of Allegany and Garrett
4 Counties, respectively, to enforce, by appropriate remedies, the collection
5 and payment of the tax hereby levied, and to all taxes in default, there shall
6 be added and collected interest at the rate of six percent (6%) per annum
7 from the date when due.]

8 [66-9.

9 A. The Director of Finance of Allegany County and the Supervisor of Tax
10 Collection of Garrett County shall be legally liable to the respective Boards of County
11 Commissioners for the safe and proper custody of the moneys received by them under
12 this Article and shall hold the same in a separate fund to be known as "Miners and
13 Operators Co-Operative Relief Fund," and shall only draw upon said Fund as
14 provided by this Article.

15 B. (1) The respective Boards of County Commissioners may award the
16 Director of Finance of Allegany County and the Supervisor of Tax Collection of
17 Garrett County, in compensation for their services hereunder, such amounts as
18 follows:

19 (a) For the Supervisor of Tax Collection in Garrett County, an
20 amount equal to two percent (2%) of the tax collected hereunder.

21 (b) For the Director of Finance in Allegany County, an amount
22 equal to one percent (1%) of the tax collected hereunder.

23 (2) The compensation shall be paid out of the general revenues of the
24 respective counties.

25 C. The Director of Finance in Allegany County and the Supervisor of Tax
26 Collection in Garrett County shall each keep careful statistics of the operations of this
27 function, prepare and submit monthly, in advance, to the operators forms for their
28 reports and himself make monthly reports on or before the first day of each month of
29 the operation of the same to the County Commissioners of his county, stating receipts,
30 disbursements and such other facts as may be necessary to correctly present the
31 status of the Fund.

32 D. The Director of Finance of Allegany County shall give bond to the State of
33 Maryland in the sum of twenty-five thousand dollars (\$25,000.) and in such further
34 sums as may from time to time be fixed by the County Commissioners of said county,
35 and the Supervisor of Tax Collection of Garrett County shall give bond to the State of
36 Maryland in the sum of five thousand dollars (\$5,000.) and in such further sum as
37 may from time to time be fixed by the County Commissioners of each county, to secure
38 the faithful performance of their duties, and such bonds shall be approved by the
39 County Commissioners and the cost thereof shall be charged to the Fund.]

1 [66-10.

2 A. Circumstances warranting payments from the Fund. The Treasurers of
3 Allegany and Garrett Counties, respectively, shall make payments out of
4 the Fund, when directed by the County Commissioners of each county, as
5 follows:

6 (1) In the event of personal injuries to any person received while in
7 discharge of his duty as an employee of any operator, subject to the
8 provisions of this article, and which shall have complied with the
9 provisions hereof, payment shall be made as follows:

10 (a) In case of the loss of both hands, severance at or above the wrist
11 joint: seven hundred fifty dollars (\$750.).

12 (b) In case of the loss of both feet, severance at or above the ankle
13 joint: seven hundred fifty dollars (\$750.).

14 (c) In case of the loss of one (1) hand and one (1) foot, severance at
15 or above the wrist or ankle joint, respectively: seven hundred
16 fifty dollars (\$750.).

17 (d) In case of the loss of either hand, severance at or above the wrist
18 joint: three hundred seventy-five dollars (\$375.).

19 (e) In case of the loss of either foot, severance at or above the ankle
20 joint: three hundred seventy-five dollars (\$375.).

21 (f) In case of the loss of the entire sight of both eyes, if irrevocably
22 lost: seven hundred fifty dollars (\$750.).

23 (g) In case of the loss of the entire sight of one (1) eye, if irrevocably
24 lost: three hundred seventy-five dollars (\$375.).

25 (2) In the event of personal injuries as aforesaid resulting in any of the
26 losses hereinbefore designated, the additional amount of one dollar
27 (\$1.) per day, not including Sundays, excluding the first week
28 following the injury, while he is being treated, for a period not
29 exceeding twenty-six (26) weeks.

30 (3) In the event of personal injuries as aforesaid not resulting in any
31 losses herein before designated but resulting in total disability, one
32 dollar (\$1.) per day, not including Sundays, excluding the first week
33 following the injury, for a period not exceeding fifty-two (52) weeks.

34 (4) In the event of personal injuries as aforesaid resulting in death
35 within a period of one (1) year, one thousand five hundred dollars
36 (\$1,500.), provided that in case any payments shall have been made
37 on account of the above-mentioned losses or disability during
38 treatment or total disability resulting from said injuries, the amount

1 thereof shall be deducted from the sum payable upon death of the
2 person injured.

3 (5) In case of death resulting from having come in contact with any of the
4 mine gases, one thousand five hundred dollars (\$1,500.).

5 B. Payment of relief moneys. When any such employee shall have suffered
6 loss from injury in the discharge of his duty as aforesaid, the County
7 Commissioners for the county in which he shall have suffered said loss
8 from injury shall, within thirty (30) days after the receipt by them of
9 satisfactory proof thereof, direct the Treasurer of the county to pay unto
10 said employee, upon his proper receipt therefor, the sum of relief money as
11 provided herein for such loss from injury. When such injury shall result in
12 disability as aforesaid, said County Commissioners shall, within thirty (30)
13 days after the receipt by them of satisfactory proof of the injury and
14 disability, direct said Treasurer to pay said employee the per diem relief
15 money as herein provided. When such injury shall result in death or the
16 employee shall have been killed by coming in contact with mine gases as
17 aforesaid, said County Commissioners shall, within thirty (30) days, after
18 the receipt of satisfactory proof of the injury and death, direct said
19 Treasurer to pay unto the personal representative of the deceased the
20 relief money as herein provided, to be disbursed by him under the direction
21 of the County Commissioners as hereinafter provided for the sustenance of
22 the dependents of said deceased employee.

23 C. Proof of injury required; form; filing suit. The County Commissioners shall
24 determine the manner and form of the proof herein required, provided that
25 such proof shall at least consist of a certificate of the mine foreman or
26 superintendent and of the mine inspector that the injury was received by
27 the employee in the discharge of his duty and the certificate of a reputable
28 physician setting forth the injury in detail, and, in the case of continuing
29 disability, an additional certificate, monthly, of such physician certifying as
30 to the period that the employee has been unable to resume his duties as a
31 direct result of the injury, and, in the case of death, an additional
32 certificate of such physician that death has result from said injury. If the
33 County Commissioners shall fail or refuse to direct the Treasurer to pay or
34 the Treasurer shall fail or refuse to pay unto any employee or personal
35 representative of a deceased employee the relief money provided under
36 this Article, suit may be brought by him, and in such suit the County
37 Commissioners of the proper county shall be made defendant and shall
38 defend such suit as other cases and have power to compromise the same in
39 the exercise of a just discretion, and if not compromised, the court shall
40 determine whether such relief money ought to be payable under this
41 Article, but any judgment rendered in such cases shall only be payable out
42 of the Relief Fund, provided that any such suit shall be brought by the
43 employee within twelve (12) months from the date of the injury and by the
44 personal representative within six (6) months from the date of the death of
45 the deceased employee, and failure to commence such suits within said

1 periods shall forfeit all right or claim of said parties to any payments out of
2 said Fund.]

3 [66-11.

4 A. Determination of dependents; manner of payment. Upon application by a
5 personal representative for the relief money contemplated by the Article
6 for the sustenance of the indigent dependent or dependents of a deceased
7 employee, the County Commissioners shall determine who the dependents
8 are and the relative claims and necessities of each for shares of the relief
9 money payable and whether the age, habits and prudence of such
10 dependents, if any, are such as to render them fit persons to receive the
11 principal of such relief money as may be apportioned by the County
12 Commissioners to any dependent, and, if not, then the County
13 Commissioners may order such relief money paid in limited parts,
14 periodically, until the portion and interest thereon of such dependent shall
15 become exhausted. In the case of the dependents consisting of a mother
16 and infant children, said Commissioners may, after adequate
17 investigation, if they shall deem it of advantage to the dependents, order
18 not more than seven hundred and fifty dollars (\$750.) of such relief money
19 invested in a home for such dependents, the title to be in fee and to be
20 invested in the personal representatives as trustee for the benefit of such
21 dependents, and after such dependents shall arrive at the age of
22 twenty-one (21) years or marry, then for the benefit of the mother
23 exclusively. Such Commissioners may pass such orders in relation to the
24 sale, lease or mortgage of said home as may from time to time become
25 expedient, with a view to effectuating the relief hereby intended for
26 indigent dependents and to prevent dependents from suffering and want.

27 B. Annual reports; bonding; appeals. To conserve such relief money from
28 waste, the County Commissioners are hereby given plenary administrative
29 power over the same by appropriate orders. Such personal representative
30 shall report annually, in detail, to the County Commissioners the status of
31 the Relief Fund in his hands, but shall not be required to account for same
32 in the Orphans' Court. The County Commissioners shall require such
33 personal representative to give bond to the State of Maryland for the safe
34 custody of the Relief Fund in his hands in the sum of two thousand dollars
35 (\$2,000.) and may be allowed commissions on the principal thereof not
36 exceeding two percent (2%) for the first year and five percent (5%) yearly
37 thereafter on the income in payment for his services. He shall deposit said
38 relief money not otherwise invested in such bank as the County
39 Commissioners may direct and shall only draw thereon in accordance with
40 orders of such Commissioners. From any order passed by said County
41 Commissioners under this section, the personal representative or any
42 person claiming to be a dependent may appeal within sixty (60) days to the
43 Circuit Court of such county, whereupon such Circuit Court shall have
44 jurisdiction to determine the issues of fact and law raised by such appeal
45 and may pass such rules as may be judged necessary to expedite and

1 effectuate the determination of such issues, in which appeals the County
2 Commissioners shall be party defendant.]

3 [66-12.

4 A. Temporary remittance of tax. When the assessments imposed and collected
5 by the Treasurer of Allegany County shall amount to a surplus of thirty-five
6 thousand dollars (\$35,000.) and when the assessments imposed and
7 collected by the Treasurer of Garrett County shall amount to a surplus of
8 fifteen thousand dollars (\$15,000.) over and above the pending and accrued
9 claims on the same under this Article, such Treasurers shall report the fact
10 to the County Commissioners of their respective county, whereupon said
11 Board of County Commissioners is hereby empowered and directed to remit
12 temporarily the taxes hereby imposed from month to month as long as, and
13 no longer, such surplus shall exceed thirty-five thousand dollars (\$35,000.)
14 in Allegany County and fifteen thousand dollars (\$15,000.) in Garrett
15 County, and when it shall be reduced to said sums or under as mentioned
16 above, said tax shall become again payable as provided by this Article. It
17 shall be the duty of the Treasurer of his respective county to invest, under
18 the orders of the County Commissioners, any surplus above the sum of two
19 thousand dollars (\$2,000.) in his hands in such public bonds as said
20 Commissioners may direct and to credit such Fund with the interest derived
21 therefrom.

22 B. Transfer of Fund and records. Upon the retirement from office or any
23 disqualification to act of such Treasurer, the entire Fund, including such
24 bonds and the books and papers pertaining to such Fund, shall be delivered
25 by such Treasurer to his successor in office, who shall receipt for the same.]

26 [66-13.

27 All assignments of claims for relief money provided in this Article and all
28 assignments of claims against any operator for injuries received by an employee in
29 the discharge of his duty or for disability or death, provided that such operator shall
30 not have been in default in compliance with the provisions of this Article at the time
31 of such injuries, disability and death, shall be null and void, and said claims shall not
32 be subject to attachment, garnishment or other legal process.]

33 [66-14.

34 A. Effect of legal action. No suit or action shall lie or be brought or maintained
35 against any operator for or in respect of the death of any employee whose
36 personal representatives shall have accepted the relief money provided for
37 in this Article, and no such suit or action shall be brought before the
38 expiration of six (6) months from the date of the employee's death nor while
39 any suit brought by the personal representative for such relief money is
40 pending. In case any suit or action is brought against any operator by any
41 person claiming damages for or in respect of injury or disability received in
42 the discharge of his duty as an employee of such operator, all right and

1 claim of such person to any payments out of the Fund shall be thereby
2 forfeited. When any person claiming that he has sustained injury or
3 disability shall accept any relief money provided for in this Article for and in
4 respect of such injury or disability or shall commence any suit against the
5 County Commissioners for such relief money, the operator in whose employ
6 such person sustained the injury or disability shall be exempt from liability
7 therefor, and thereafter no suit or action shall lie or be brought or
8 maintained against such operator for or in respect of such injury or
9 disability or death resulting therefrom, provided that the provisions of this
10 section shall not apply to cases where the operator has been in default in
11 compliance with the provisions of this Article at the time of the injury,
12 disability or death.

13 B. Effect of judgment against operator. If any suit or action is brought against
14 any operator for or in respect of any injury or disability received by an
15 employee while in discharge of his duty or for death resulting therefrom,
16 including death from contact with mine gases, and said operator shall
17 appear and defend such suit or action and a judgment shall be rendered
18 against him, he shall, after satisfying said judgment and upon filing with
19 the County Commissioners a certified copy of said judgment and the order
20 of satisfaction, be entitled thereafter to deduct from the payments required
21 to be made by him hereunder to the County Treasurer a sum equal to the
22 amount of said judgment and costs, provided that said operator shall have
23 notified the County Commissioners of the pendency of said suit or action,
24 and provided further that at the time of the injury, disability and death the
25 operator has complied with the provisions of this Article.]

26 [Chapter 81
27 Pensions]

28 [81-1.

29 The County Commissioners of Garrett County are hereby authorized and
30 directed to levy and pay to retired school teachers who formerly taught in public
31 schools in Garrett County, who retired prior to June 1, 1928, and who are receiving a
32 pension from the Board of County Commissioners of Garrett County such sum or
33 sums that the aggregate of such pension and such sum or sums shall be at least one
34 thousand two hundred dollars (\$1,200.) per year.]

35 [Chapter 83
36 Poor or Insane]

37 [83-1.

38 It shall be unlawful for any person or persons to remove, bring or entice any
39 poor, indigent or insane person from any state, county or town to Garrett County with
40 the intent to make said Garrett County chargeable with the support of such poor,
41 indigent or insane person, under penalty of a fine of not less than twenty-five dollars
42 (\$25.) nor more than five hundred dollars (\$500.) or imprisonment in the Maryland

1 House of Correction for a period of not less than two (2) months nor more than two (2)
2 years, or both such fine and imprisonment, in the discretion of the court.]

3 [83-2.

4 The County Commissioners of Garrett County shall have the power to return
5 and remove such poor, indigent or insane persons who shall come into Garrett County
6 or who shall be brought or removed into Garrett County for the purpose of charging
7 Garrett County for the support of such persons to such state, county or town where
8 such poor, indigent or insane persons reside, and the County Commissioners may
9 recover from such person or persons, state, county or town such expenses as are
10 incurred by reason of the support and the return of such poor, indigent or insane
11 person.]

12 [Chapter 93
13 Sheriff]

14 [93-1.

15 The County Commissioners of Garrett County shall allow the Sheriff of Garrett
16 County the sum of three hundred dollars (\$300.) per year for a cook to the jail, which
17 sum shall be paid in monthly installments to the Sheriff.]

18 [93-2.

19 The Sheriff of Garrett County is hereby authorized and directed to require all
20 persons of sufficient ability who shall be sentenced to imprisonment in the county jail
21 of said Garrett County by the Circuit Court of Garrett County or any District Court of
22 said county, as a punishment for any crime or misdemeanor committed therein, to
23 work upon the public roads, highways, buildings and grounds of said county or upon
24 the public streets of any incorporated town of said county or to do some work in
25 connection with the improvement thereof as part of the prison discipline and
26 management, provided that nothing herein shall apply to persons convicted and
27 sentenced for crimes or misdemeanors committed prior to April 10, 1914, or to
28 prisoners sentenced to perform such work on said roads or streets.]

29 [93-3.

30 A. Sale authorized; notice requirements. Whenever the owner or person, firm
31 or corporation entitled to the possession of any motor vehicle or part thereof
32 cannot be located and fails to claim said motor vehicle or part thereof for a
33 period of thirty (30) days after said motor vehicle or part thereof came into
34 the custody of the Sheriff of Garrett County pursuant to the rules and
35 regulations hereinafter authorized to be made, the same may be disposed of
36 by the Sheriff at public sale, provided that the time, place and terms of the
37 sale, together with a full detailed description of the motor vehicle or part
38 thereof, shall be inserted in one (1) or more newspapers of general
39 circulation in the county where the sale is to take place at least once each
40 week for two (2) successive weeks prior to the sale, and provided further

1 that a notice by registered mail shall be sent at least ten (10) days prior to
2 the sale to the owner, lien holder, if any, shown on the records of the
3 Department of Motor Vehicles of the State of Maryland, or person, firm or
4 corporation entitled to possession of the motor vehicle or part thereof, if his
5 or its address is known or if it can be ascertained by the exercise of
6 reasonable diligence. If the address cannot be ascertained by the exercise of
7 reasonable diligence or if the motor vehicle or part thereof is not registered
8 with said Department of Motor Vehicles, then the notice by mail shall not be
9 required to be given.

10 (B) Sale of vehicle.

11 (1) Disposition of excess funds. Any excess in the amount of the selling
12 price of said motor vehicle or part thereof at said sale, over and above
13 the expenses thereof, and the amount of the storage, towing and
14 repair charges incurred by the Sheriff during the period in which the
15 motor vehicle or part thereof was in his custody and after payment of
16 all liens to which the motor vehicle or part thereof may be subjected,
17 in order of their priority, shall be accounted for and remitted by the
18 Sheriff to the Board of County Commissioners for Garrett County,
19 which shall create a special fund therefor.

20 (2) Presentation of claim by owner; payment. If the owner or person, firm
21 or corporation entitled to possession of the motor vehicle or part
22 thereof shall present to the Board of County Commissioners for
23 Garrett County a claim for such excess at any time within one (1)
24 year from the date of the sale, the Board shall authorize payment of
25 such excess to said owner or person, firm or corporation entitled to
26 the possession of the motor vehicle or part thereof.

27 (3) Transfer of excess to general fund. If no claim for the excess is made
28 within one (1) year from the date of the sale, the excess shall be
29 transferred from the special fund to the general funds of Garrett
30 County, to be expended and used as are other funds received by the
31 county.

32 C. Adoption of rules and regulations; violations and penalties. The Board of
33 County Commissioners for Garrett County may make and adopt such rules
34 and regulations as may be necessary or desirable for rescuing, taking
35 custody of and disposing of lost, abandoned and stolen motor vehicles or
36 parts thereof which may be found within the geographical jurisdiction of the
37 county, not inconsistent with the provisions of this section, and it may
38 provide for the imposition of penalties for the violation of such rules and
39 regulations, not to exceed a fine of five hundred dollars (\$500.) or
40 imprisonment for not more than ninety (90) days, or both such fine and
41 imprisonment.]

1
2

[Chapter 107
Thistles]

3 [107-1.

4 No landowner or tenant of any landowner in Garrett County shall permit any
5 Canada thistles to grow to seed upon the land owned or rented by him, as the case
6 may be.]

7 [107-2.

8 If any such landowner or tenant shall permit any Canada thistles to so grow to
9 seed on the land owned or rented by him, he shall be fined a sum of not less than one
10 dollar (\$1.) nor more than five dollars (\$5.) every day he shall permit the same to
11 remain standing on his land after the same shall have developed or grown to bear
12 seed, such fine or fines to be recovered before any District Court in said county as
13 other small fines are now recovered, and the proceeds of such fine or fines shall be
14 paid to the County Commissioners of Garrett County for the use of said county.]

15 [107-3.

16 No road supervisor in said county shall permit any such Canada thistles to grow
17 to seed upon any land belonging to any public roads in said county adjoining or being
18 part of any road under his charge, and if any supervisor shall permit the same, he
19 shall be liable to the fine provided in § 107-2 hereof, to be recovered for the use of said
20 county as provided in § 107-2.]

21
22

[Chapter 117
Wages]

23 [117-1.

24 Every corporation engaged in mining or manufacturing or operating a railroad
25 in Garrett County and employing ten (10) or more hands shall pay its employees the
26 full amount of their wages in legal tender money of the United States, and any
27 contract by or on behalf of any such corporation for the payment of the whole or any
28 part of such wages in any other manner than herein provided shall be and is hereby
29 declared illegal, null and void. Every such employee shall be entitled to recover from
30 any such corporation employing him the whole or so much of the wages earned by him
31 as shall not have been actually paid to him in legal tender money of the United States
32 without setoff or deduction of his demand for or in respect of any account or claim
33 whatever.]

34 [117-2.

35 Nothing in this chapter shall be construed to prevent any such corporation
36 demising to any of its employees the whole or any part of any tenement in said county
37 of any rent thereon reserved of from contracting for or advancing money to supply
38 him with medicine or medical attendance needed for himself or his family or smithing
39 or fuel and deducting from the wages of any such employee for and in respect of such

1 rent, medicine, medical attendance, smithing or fuel or money advanced as
2 aforesaid.]

3 [117-3.

4 Nothing contained in this chapter shall be construed to prevent the payment, in
5 whole or in part, of the wages of any such employee in the notes of any bank, payable
6 to bearer on demand, that shall be current at par in this state at the time of such
7 payment, but all payments made in such notes with consent of such employees shall
8 be as valid and effective as if made in legal tender money of the United States.]

9 [117-4.

10 Any corporation aforementioned which shall, directly or indirectly, enter into
11 any contract or make any payment hereby declared illegal shall be liable to
12 indictment and, upon conviction thereof in any court of competent jurisdiction, shall
13 for the first offense be fined one hundred dollars (\$100.) and for each succeeding
14 offense not less than five hundred dollars (\$500.) nor more than one thousand dollars
15 (\$1,000.)]

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
17 effect October 1, 2004.